

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

BOUTAIN, VIRGIL ALAN,
BOUTAIN, JENNIFER LYNN,
Debtors.

Case No.: 04-60567
Chapter 7

NOTICE OF MOTION AND MOTION OBJECTING TO EXEMPT PROPERTY

TO: The United States Bankruptcy Court, the United States Trustee, the Debtors, the Debtors' attorney, and all parties who requested notice under Bankruptcy Rule 2002.

1. David G. Velde, Trustee of the bankruptcy estate of the above-named debtors moves the court for the relief requested below and gives notice of hearing.
2. The Court will hold a hearing on this motion at 9:30 a.m. on August 25, 2004, in US Bankruptcy Court, 204 US Courthouse 118 South Mill Street, Fergus Falls, Minnesota.
3. Any response to this motion must be filed and served not later than August 16, 2004, at 9:30 a.m., which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays), or filed and served by mail not later than August 11, 2004, which is ten days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on May 10, 2004. The case is now pending in this Court.
5. This motion arises under 11 U.S.C. § 522, and Bankruptcy Rule 4003 and Local Rule 4003-1(a). This motion is filed under Bankruptcy Rule 9014 and Local Rule 9013-1. Movant requests relief with

respect to debtors' claims for exemption.

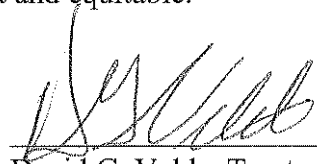
6. Debtors have claimed as exempt the following assets which the trustee objects to as follows: bank account at Border State Bank valued at \$100, camcorder and model toy airplane valued at \$450, garnishment by Messerli and Kramer valued at \$1,413.68, 1994 Volvo Truck valued at \$500, 1988 Oliver Tractor valued at \$2,000, old mobile home valued at \$200, riding lawn mower valued at \$100 and garden tiller valued at \$100 all claimed exempt under 11 USC § 522(d)(5).

7. The trustee objects to the debtors' claim of exemption on the following basis: The debtors have exceeded the amount available to them under the cited statute.

WHEREFORE, the Applicant moves the court for an order sustaining trustee's objection to claimed exempt property and such other relief as may be just and equitable.

Date:

7/16/04

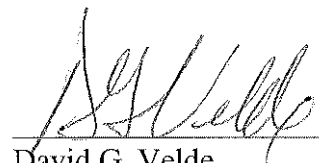


David G. Velde, Trustee
1118 Broadway
Alexandria, MN 56308
(320) 763-6561

Verification. I, David G. Velde, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Date:

7/16/04



David G. Velde

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

BOUTAIN, VIRGIL ALAN,
BOUTAIN, JENNIFER LYNN,
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ORDER

At Fergus Falls, Minnesota, _____, _____.

Upon the Objection to Claimed Exempt Property filed by the Trustee and upon all the files and records of the proceedings herein,

IT IS ORDERED:

1. The debtors' bank account at Border State Bank valued at \$100, camcorder and model toy airplane valued at \$450, garnishment by Messerli and Kramer valued at \$1,413.68, 1994 Volvo Truck valued at \$500, 1988 Oliver Tractor valued at \$2,000, old mobile home valued at \$200, riding lawn mower valued at \$100 and garden tiller valued at \$100 all claimed exempt under 11 USC § 522(d)(5) are not exempt to the extent the values exceed the amount available to the debtors under the cited statute.
2. The debtors shall turn over to the trustee the value of the assets exceeding \$2,550 which is the amount available to the debtors under 11 USC § 522(d)(5).

Judge Dennis D. O'Brien
US Bankruptcy Court

[illegible]

Estelle M. Garvin, of the City of Alexandria, County of Douglas, in the State of Minnesota, being duly sworn, says that on the 19th day of July, 2004, she served the attached Notice of Motion and Motion Objecting to Exempt Property and proposed Order, by electronically filing with:

US Bankruptcy Court
204 PO Building
118 S. Mill Street
Fergus Falls MN 56537

and mailing to a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Alexandria, Minnesota, directed to said at:

Habbo G. Fokkena
US Trustee
1015 US Courthouse
300 South Fourth Street
Minneapolis, MN 55415

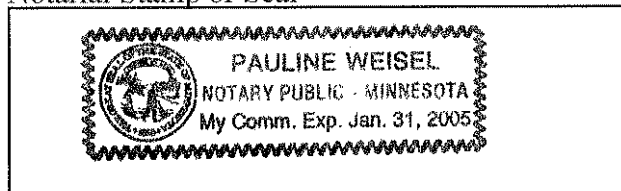
Richard N. Sather
Attorney at Law
P.O. Box 381
Thief River Falls, MN 56701

Virgil and Jennifer Boutain
18140 - 250th Avenue SE
Plummer, MN 56748

Estelle M. Garvin

Subscribed and sworn to before me this 14 day of July, 2004.

Notarial Stamp or Seal



Pauline Wiesel
Notary Public